

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

ELBEY Y. OLAKWESU,  
aka Larry E. Ealy

Petitioner, :

Case No. 3:12-cv-204

- vs -

District Judge Thomas M. Rose

: Magistrate Judge Michael R. Merz

UNKNOWN CUSTODIAN,

Respondent. :

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**DECISION AND ORDER**

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Petitioner Larry E. Ealy attempted to file this Petition for Writ of Habeas Corpus at the Columbus location of court, in violation of S. D. Ohio Civ. R. 82.1(f). The Clerk accordingly forwarded the Petition to the Dayton location of court. On oral order of the undersigned, a case file has been opened under the above-captioned case number and the \$5.00 money order for the filing fee for a habeas corpus petition has been deposited. However, this habeas corpus case has not yet been filed, because the attempted filing is in violation of the express Order of Chief Judge Susan J. Dlott in State v. Ealy, Case Nos. 1:09-cv-245 and 1:09-cv-246. In that Order Judge Dlott enjoined Mr. Ealy from filing any new action in this Court without prior court approval. She also ordered Mr. Ealy to attach a copy of the Order and the accompanying judgment, along with the full filing fee, to the initial pleading in any new action attempted to be filed in this Court.

Again on oral order of the undersigned, the Clerk has docketed at Doc. No. 1 all of the papers Mr. Ealy submitted to the Clerk. As will be readily seen, there is no accompanying copy of Chief Judge Dlott's Order and no evidence that Mr. Ealy has sought or received permission from the Court to file a new action.

Accordingly, it is hereby ORDERED:

1. The purported filing of this action, having been done in apparent defiance of the Chief Judge's Order, is deemed a nullity.
2. The Clerk shall furnish a copy of this Order to Chief Judge Dlott for her determination of whether she wishes to proceed with an order to Mr. Ealy to show cause why he should not be held in contempt of court for his violation of her Order.

July 2, 2012.

s/ *Michael R. Merx*  
United States Magistrate Judge